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Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

No. 09-49584 EDJ

**DONATO RIGOBERTO PEREZ and
ABIGAIL MONTALBAN de PEREZ,**

Chapter 13

Debtors.

**OBJECTION TO CLAIM #5 OF
ONE WEST BANK, FSB
AND OPPORTUNITY FOR HEARING**

The undersigned objects to allowance of Claim No. 5 filed by One West Bank, FSB

(X) For any amount of secured arrearages

() Except as an unsecured claim for \$_____.

() Except as a secured arrearage claim for \$_____.

() Except as an unsecured nonpriority claim for \$_____.

for the following reason: Claimant modified debtors' mortgage in February, 2009 which included all arrearages, but has not withdrawn or amended proof of claim.

PLEASE TAKE NOTICE:

(i) That Local Rule 9014-1 of the United States Bankruptcy Court for the Northern District of California prescribes the procedures to be followed and that any objection to the requested relief, or a request

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1 for hearing on the matter must be filed and served upon the undersigned
2 within twenty one (21) days of mailing of this Notice;

3 (ii) That a request for hearing or objection must be accompanied
4 by any declarations or memoranda of law the party objecting or
5 requesting wishes to present in support of its position;

6 (iii) That if there is not a timely objection to the requested
7 relief or a request for hearing, the Court may enter an order granting
8 the relief by default; and

9 (iv) That the undersigned will give at least seven (7) days
10 written notice of hearing to the objecting or requesting party, and to
11 any trustee or committee appointed in the case, in the event an
12 objection or request for hearing is timely made.

13
14 Dated: April 13, 2010

/s/ Corrine Bielejeski
CORRINE BIELEJESKI
Attorney for Debtors